

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Joann Scaturio,
Police Captain (PM1322T), Borough
of Roselle

Acknowledgment of Settlement

CSC Docket No. 2021-1423

ISSUED: MAY 3, 2021 (EG)

The Borough of Roselle (Roselle), represented by Mohamed S. Jalloh, Esq., petitions the Civil Service Commission (Commission) for acknowledgment of the settlement reached between Roselle and Joann Scaturio.

As background, Scaturio’s name was certified for appointment as the number one ranked non-veteran on February 3, 2017 and February 5, 2018 from the eligible list for Police Captain (PM1322T). In disposing of the certifications, Roselle bypassed Scaturio’s name on both certifications and appointed lower ranked eligibles. Subsequently, Scaturio retired effective February 1, 2019. On March 12, 2020, Scaturio filed a complaint in the Superior Court of New Jersey alleging that she was bypassed for promotion due to discriminatory reasons. Thereafter, the parties reached a settlement regarding the court action which is intended to resolve all outstanding disputes between the parties in regard to her complaint.

The settlement provides, in pertinent part, that Roselle will request that the subject list, which expired on April 20, 2019, be revived to allow Scaturio to be appointed from the list and receive a retroactive date of seniority of February 1, 2018. Further, the settlement provides Scaturio a differential back pay award of \$14,705.41, and counsel fees.

CONCLUSION

N.J.A.C. 4A:4-3.4 provides that an eligible list may be revived to implement an order of the Commission or for other good cause. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, he or she received a later appointment date.

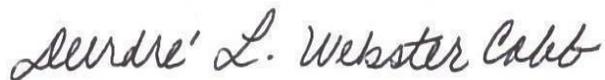
In the instant matter, a settlement was reached between the parties. The policy of the judicial system strongly favors settlement, and this policy is equally applicable in the administrative area. *See Nolan v. Lee Ho*, 120 N.J. 465 (1990); *Honeywell v. Bubb*, 130 N.J. Super. 130 (App. Div. 1974); *Jannarone v. W.T. Co.*, 65 N.J. Super. 472 (App. Div. 1961), *cert. denied*, 35 N.J. 61 (1961). A settlement will be set aside only where there is fraud or other compelling circumstances. *See Nolan, supra*. In this matter, no such compelling circumstances exist. Further, a review of the settlement agreement indicates that it does not violate Civil Service law or rules. Accordingly, the Commission acknowledges the settlement agreement in this matter and revives the subject list for the express purpose of recording Scaturò's appointment to the title of Police Captain, effective February 1, 2018.

ORDER

Therefore, it is ordered that this request be granted, and the Police Captain (PM1322T), Borough of Roselle eligible list be revived and Scaturò's appointment to the title of Police Captain, effective February 1, 2018 be recorded.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 28th DAY OF APRIL, 2021



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